

UNITED STATES DEPARTMENT OF THE INTERIOR

Bureau of Land Management
5665 Morgan Mill Road
Carson City, Nevada 89701

RECORD OF DECISION

June 23, 2006

**RIGHT-OF WAY N-76897
NORTH VALLEYS RIGHT-OF-WAY PROJECT
INTERMOUNTAIN WATER SUPPLY LTD**

INTRODUCTION

Intermountain Water Supply LTD (IWS) submitted an application to the Bureau of Land Management Carson City Field Office (BLM) for a right-of-way (ROW) grant under Title V of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1761), for the construction and operation of a 24-mile water transmission pipeline and associated facilities on private and public land in Washoe County, Nevada (see attached map, Fig. 2-1).

The BLM received separate water supply and transmission ROW applications from the Fish Springs Ranch LLC (FSR) and IWS, two independent water companies, proposing projects in Washoe County, Nevada. The BLM determined the proposed projects would require analysis through an environmental impact statement (EIS) and due to the same timing, geography, and similarity of the types of actions, the two proposals would be analyzed in one EIS, together known as the North Valleys Rights-of-Way Projects EIS. In addition, each proposed project requires a separate, stand-alone record of decision (ROD). This ROD is for the IWS Project.

Cooperating agencies for the EIS are the U.S. Fish and Wildlife Service; U.S. Bureau of Indian Affairs; U.S. Geological Survey; Sierra Army Depot; Pyramid Lake Paiute Tribe; Susanville Indian Rancheria; California Department of Water Resources; California Department of Fish and Game; Lassen County, CA; Washoe County, NV; Truckee Meadows Water Authority; Airport Authority of Washoe County; Truckee Meadows Regional Planning Agency; and the Cities of Reno and Sparks. BLM and IWS personnel presented the proposed project and the EIS process at several public venues to solicit comments for the EIS.

DECISION

Based upon the analyses in the Draft EIS (DEIS) and the Final EIS (FEIS), I have determined that the implementation of the Agency Preferred Alternative, described in the FEIS as Alternative A – Construct Pipelines within Common Right-of-Way (see attached map, Fig. 2-7), will not cause unnecessary or undue degradation of public land. This alternative is comprised of all components of the Proposed Action but requires that both the FSR and IWS pipelines be constructed inside a common ROW extending from the point of intersection of the IWS and FSR pipeline in Dry Valley to a point in Antelope Valley where each pipeline diverges to their respective terminus sites. By this decision and as Authorized Officer of the Carson City BLM, I approve issuance of FLPMA ROW

grant N-76897 to IWS for the public land portion of the project, for a buried water transmission pipeline and associated facilities as described in Alternative A, subject to compliance with all pertinent Federal, State, and local laws or requirements and the mitigating measures described in this ROD. The ROW grant will have widths varying from 50 feet to 60 feet, with additional temporary construction widths varying from 25 feet to 35 feet. The ROW grant will be issued for a 30-year term and may be renewed if appropriate and will be subject to the regulations under Title 43, Code of Federal Regulations, Part 2800 (43 CFR 2800). The following Special Use Permit and associated conditions of approval are adopted by the BLM and incorporated into this ROD (see attached):

- Special Use Permit SW05-012 - Washoe County Board of County Commissioners (January 4, 2006)

ALTERNATIVES, INCLUDING THE PROPOSED ACTION AND ENVIRONMENTALLY PREFERABLE ALTERNATIVE

The analysis of alternatives in the FEIS included the Proposed Action, Alternative A – Construct Pipelines within Common Right-of-Way, and No Action Alternative. A full description of each alternative can be found in Chapter 2 of the FEIS.

Proposed Action: The IWS Proposed Action consists of three stages for construction of production wells, water collection and transmission pipelines, pump station, two water demand tanks, diesel powered generators, radio telemetry towers, and electrical distribution lines to convey water from Dry Valley (2,000 af/yr from five wells) and Bedell Flat (500 af/yr from two wells) approximately 24-miles to a pipeline terminus in Lemmon Valley. The 24-mile pipeline would be constructed within a 50-foot-wide permanent ROW with an additional 25-foot-wide temporary construction ROW. Approximately 8.5 miles of the pipeline will be constructed adjacent to the existing ROW for the Tuscarora Gas Pipeline.

Alternative A – Construct Pipelines within Common Right-of-Way: Alternative A is comprised of all components of the Proposed Action including installation of production wells, water collection and transmission pipelines, pump station, water demand tanks, diesel powered generators, radio telemetry towers, and electrical distribution lines, but requires that both FSR and IWS pipelines be constructed within a common ROW for a portion of the route. Alternative A requires that the individual pipelines will be constructed inside a common 60-foot-wide permanent ROW extending from the point of intersection for the IWS and FSR pipeline in Dry Valley to a point in Antelope Valley where each pipeline diverges to their respective terminus sites. Each temporary construction ROW is 35 feet-wide on each side of the common 60-foot-wide permanent ROW and totals 130-feet. Total linear distance shared is approximately 13.5 miles.

Environmentally Preferable Alternative: Although the EIS analyzes the entire route(s) of the pipeline(s), certain portions would occur on private lands and under the authority of Washoe County. The National Environmental Policy Act (NEPA), as interpreted through the regulations promulgated by the Council on Environmental Quality (CEQ), requires that the Record of Decision for any Federal action also identify the “environmentally preferable” alternative. Because construction of any type is disruptive to the resources in the immediate area, none of the “action” alternatives could

be described as environmentally preferable. Rather, the No Action Alternative, as described in the FEIS, would result in no disturbance to the environment. Both “action” alternatives would result in approximately the same scope of impacts to the human environment, Alternative A results in 14 acres less surface disturbance each (28 acres total) for FSR and IWS.

MANAGEMENT CONSIDERATIONS

The ROW approved by this ROD provides for the construction of a water pipeline in an area where such construction is in conformance with the *Carson City Field Office Consolidated Resource Management Plan (BLM 2001)* which does not restrict ROWs for underground pipelines to designated corridors. The BLM requires ROWs contain terms and conditions to minimize damage to scenic and aesthetic values, protect fish and wildlife habitat, protect the environment, and assure compliance with applicable air and water quality standards. Land Use Master Plans for the cities of Reno and Sparks, Washoe County, and the Washoe County Regional Open Space Plan, designate natural, visual, and cultural resources important to the community and are major considerations in analyzing utility proposals.

The alternative to the Proposed Action was developed with input from the following:

- The general public through scoping;
- Members of the Washoe County Citizen Advisory Board for the North Valleys;
- Members of the City of Reno Neighborhood Advisory Board for North Valleys;
- Representatives from the cooperating agencies (U.S. Fish and Wildlife Service; U.S. Bureau of Indian Affairs; U.S. Geological Survey; Sierra Army Depot; Pyramid Lake Paiute Tribe; Susanville Indian Rancheria; California Department of Water Resources; California Department of Fish and Game; Lassen County, CA; Washoe County, NV; Truckee Meadows Water Authority; Airport Authority of Washoe County; Truckee Meadows Regional Planning Agency; and the Cities of Reno and Sparks.)

Alternative A falls within the jurisdiction of Washoe County and requires a Special Use Permit for construction of the pipeline.

U.S. Fish and Wildlife Service

On June 14, 2006 the U.S. Fish and Wildlife Service (USFWS) issued a memorandum to the BLM documenting the completion of their review and concurrence with the BLM’s amended Biological Assessment (BA). The BA concluded that the IWS proposed project is not likely to adversely affect the bald eagle, Lahontan cutthroat trout, cui-ui, or the Carson wandering skipper and formal consultation pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.) is not required.

Nevada Division of Water Resources

Water rights, pumping rates, water quantity, and place of use are under the authority of the Nevada Division of Water Resources, Nevada State Engineer (State Engineer). IWS has secured water use and inter-basin transfer rights for 3,000 af/yr in Dry Valley. Of this total, IWS proposes to pump 2,000 af/yr in the proposal for Dry Valley. The IWS proposal for Bedell Flat is to pump 500 af/yr. At this time the State Engineer has approved a water right totaling 144 af/yr and an appeal and new water rights application have been submitted by IWS and are pending with the State Engineer for the

remaining 356 af/yr.

At the beginning of the North Valleys Rights-of-Way Projects EIS process the Nevada Division of Water Resources was asked by the BLM to participate as a Cooperating Agency. Although the agency chose not to participate, the State Engineer was on the mailing list with the other Cooperating Agencies and was provided all the same information and documents throughout the EIS process. The Forty Most Asked Questions Concerning CEQ's NEPA Regulations (46 Fed. Reg. 18026 [March 23, 1981], as amended, 51 Fed. Reg. 15618 [April 25, 1986]) number 19b. states "All relevant, reasonable mitigation measures that could improve the project are to be identified, even if they are outside the jurisdiction of the lead agency or the cooperating agencies, and thus would not be committed as part of the ROD's of these agencies."

A Recommended Water Resources Monitoring and Management Plan for Future Pumping in Honey Lake Valley, Dry Valley, and Bedell Flat, Nevada (Plan) was included in Appendix D of the Final EIS. The Plan was developed and recommended in coordination with the Cooperating Agencies and consists of four principal components: 1) Monitoring Requirements – related to production wells, monitoring wells, elevation control, spring flow, water quality, precipitation stations, quality of data, and reporting; 2) Management Requirements – related to the creation and role of a Water Advisory Committee (WAC), and a subcommittee of the WAC – the Technical Advisory Committee (TAC); 3) Mitigation Measures; and 4) Modification of Plan. A meeting was held in December 2005 between the BLM Field Office Manager and members of the State Engineer's staff to discuss the Plan. Although the staff members were noncommittal, there was no indication of any objection or opposition to the Plan. The Plan was revised (to incorporate additional comments from the Cooperating Agencies) and sent to the State Engineer for consideration on May 2, 2006 (see attached letter and Revised Plan). Although there has been no communication from that office, it is the opinion of the BLM that the State Engineer is likely to accept the Plan.

Washoe County.

On November 15, 2005 IWS went before the Washoe County Planning Commission for approval of Special Use Permit SW05-012 and after consideration of a request by Lassen County for a postponement in order to review the Final EIS, IWS requested a postponement until the January 3, 2006 meeting of the Washoe County Planning Commission. At the January 3, 2006 meeting the Washoe County Planning Commission unanimously approved the Special Use Permit.

MITIGATION AND MONITORING

In conjunction with the BLM required mitigation and monitoring, this ROD incorporates the conditions and stipulations prescribed by Special Use Permit SW05-012 for Washoe County. Considering all pertinent factors, the Agency Preferred Alternative provides for the construction of a pipeline in the least impacting manner. All practicable methods to avoid or minimize environmental harm from the selected alternative have been adopted.

Prior to startup of the project, a plan of development (POD) will be developed by IWS, and reviewed and approved by the BLM, that outlines the specifics of how the project will be constructed and operated and list monitoring measures to ensure commitments are fulfilled.

The following mitigation and monitoring measures have been developed by the BLM and the

Cooperating Agencies to reduce potentially adverse impacts. These measures are virtually the same as those described in Chapter 4 of the FEIS and are summarized in this ROD. These measures are in addition to the IWS proposed construction, ROW preparation, and reclamation activities outlined in Chapter 2 of the FEIS. This ROD expressly incorporates each of the following requirements:

Geology, Minerals, and Paleontology

If rare plant, vertebrate, or invertebrate fossils are discovered during construction, BLM will be contacted to determine steps necessary to preserve the fossils.

Air Resources

- Water will be applied to active construction sites during weekends, nights, and holidays especially during windy conditions.
- Vehicles hauling soil or other loose materials that could be a source of dust emissions will be covered with a tarp or other means.
- Soil stabilizers will be applied to soil stockpiles to prevent wind erosion.
- Track-out devices will be used on vehicles before entering paved roads.
- Public road surfaces will be washed or swept to remove track-out.
- Traffic speeds will be limited on access roads and construction areas.
- Soil stabilizers will be applied to disturbed areas within five days of completion of activity at each site.
- Disturbed areas will be reclaimed as soon as practicable after completion of construction.

Water Resources

- Stream channel crossings will be constructed in accordance with applicable State Stream Alteration Permits, U.S. Army Corps of Engineer requirements, and land management agencies. Soil will be stockpiled approximately 10 feet from the top of channel banks, but within the ROW.
- Where flowing water is encountered during construction, sediment barriers will be installed after initial disturbance of the stream channel or adjacent upland. Sediment barriers will be properly maintained throughout construction and reinstalled as necessary.
- After pipe installation, stockpiled growth media will be used to restore banks of the channel to a stable configuration as close to preconstruction contours as possible.
- Construction in streams and wetlands will be expedited to minimize the duration of turbidity-causing activities.
- An alignment will be selected that minimizes stream crossings.
- Construction in stream crossings will be scheduled during periods of low or no flow.
- BLM will conduct periodic inspections of the ROW during and after construction to identify necessary maintenance activities.
- Chemicals, fuels, and lubricants will be transported in approved containers and will not be stored within 300 feet of a stream crossing. Sorbent material will be maintained on-site to absorb spills of petroleum products that may occur during construction activities.

Soil Resources

Prior to trenching activities, the Washoe County Soil Survey prepared by the Natural Resources Conservation (NRCS) should be referenced to determine the appropriate depth of growth media to

salvage. Depth of the growth media will be maximized to assist in successful reclamation. Where possible, topsoil salvage should be no less than 6 inches.

Vegetation Resources

- IWS will use variable seed mixes adapted to slope and aspect, soil depth, and landscape features to reclaim areas disturbed by construction
- Seed and plant shrubs (including sagebrush) in patches rather than uniformly over the area.
- As feasible, IWS will prevent livestock grazing of reclamation until stable and resilient vegetation cover has been established.
- Until desired vegetation is established, monitor disturbed and reclaimed areas for noxious weeds and other undesirable species; if noxious weeds are found, they will be controlled in coordination with BLM.
- Monitor reclamation yearly to assess success of seeding and planting and implement remedial measures if needed.
- Water roads during construction to minimize impacts from dust.
- Conduct searches for cacti and transplant them to suitable habitat undisturbed by construction activities.

To prevent the spread of noxious weeds into previously uninfested areas during construction, IWS will implement the following measures:

- Before construction activities, IWS will apply an acceptable herbicide or employ conventional mechanical or cultural methods of noxious weed removal in construction areas, staging areas, and other areas that would be disturbed by vehicles or equipment.
- Equipment and vehicles will be cleaned at designated high-pressure air or water wash stations away from waterways before they are used in the project area. Once in the project area, equipment and vehicles would be restricted to approved areas unless work requires entry into noxious weed infested areas. If equipment enters an area containing noxious weeds, it would be cleaned after it exits the area immediately.
- Certified weed-free imported materials, such as straw bales and erosion control seed, will be used during construction, reclamation, maintenance, and operations.
- Noxious weed populations will be monitored annually until revegetation and weed abatement criteria have been met.

Wildlife Resources

- Where feasible, land will be cleared outside the avian breeding season. In areas where land is cleared during the avian breeding season, a qualified biologist will survey the area. If active nests are located or other evidence of nesting is observed, a protective buffer will be delineated and the area avoided until nests are no longer active.
- As feasible, IWS will suspend livestock grazing and trampling on the revegetated pipeline corridor until vegetation is established.
- Seed and plant sagebrush and other fire-sensitive species that have been removed or reduced by wildfire and Project implementation.
- Replace topsoil over pipeline trenches to enhance establishment of sagebrush and other native species.
- Implement best management practices to prevent delivery of sediment to drainages and

wetlands along the pipeline route.

Recreation

BLM will provide 30-days prior notice to IWS for all permitted recreational events that will occur in the vicinity of the Project Area during construction activities. This may require a temporary modification of the IWS work schedule to accommodate events.

Noise

- High-noise and blasting activities are limited to daytime hours.
- IWS will install high-grade mufflers on diesel-powered equipment.
- IWS will combine noisy operations to occur for short durations during the same time period.
- Night time construction activities are not authorized.

Visual Resources

- IWS will establish clearly defined construction limits that incorporate irregular shapes to reflect existing forms and patterns.
- Plan revegetation so colors and textures blend with undisturbed land.
- Minimize visual contrast of structures with natural forms by using colors that blend with the land; use finishes that have low levels of reflectivity.
- Paint structures slightly darker than the surrounding landscapes to compensate for the effects of shade and shadow.
- Preserve the undeveloped character of the landscape.

Cultural Resources

- Should residual adverse effects occur to cultural resources, a treatment plan to mitigate adverse effects on eligible sites will be developed in consultation with the BLM, State Historic Preservation Office (SHPO), and local Tribes.
- In the event that cultural resources are discovered during project construction, all construction work in the vicinity of the find will be stopped immediately, the area flagged, and the BLM will be contacted.

Native American Religious Concerns

Native American consultation regarding the IWS pipeline project is and continues to be ongoing. The Pyramid Lake Paiute Tribe, Washoe Tribe of Nevada-California, Susanville Indian Rancheria, and Reno-Sparks Indian Colony were invited to participate in the North Valleys Project EIS process as cooperating agencies. The Pyramid Lake Paiute Tribe and the Susanville Indian Rancheria participated fully as cooperating agencies throughout the EIS process, the Tribes: attended and provided input to cooperating agency working meetings and field tour of the project area; provided comments on the preliminary draft EIS prior to issuance of the public Draft EIS; provided comments on the Draft EIS; provided comments on the *Recommended Water Resources Monitoring and Management Plan for Future Pumping in Honey Lake Valley, Dry Valley, and Bedell Flat, Nevada*; and provided comments on the Final EIS.

In May 2006 a field tour of the project area was conducted with representatives from the four Tribes, project applicants, and the CCFO Field Manager and archaeologist. A follow-up meeting to discuss

concerns from what the Tribes observed on the field tour was held a week later. The concerns discussed were in regard to the involvement of the Tribes in the concurrence of eligibility for cultural sites and the Tribes request two tribal monitors on site during testing and subsequent data recovery.

Fire Suppression

FSR shall be responsible for all suppression costs for any fire resulting from their operations and practices.

PUBLIC INVOLVEMENT

IWS submitted an application with the BLM for a ROW grant under Title V of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. 1761), for the construction and operation of a 24-mile water transmission pipeline and associated facilities on private and public land in Washoe County, Nevada. The public scoping period for the EIS was initiated by the publication of a Notice of Intent (NOI) to prepare an EIS on September 15, 2003 by the BLM in the Federal Register and comments were accepted until January 31, 2004. The news media and the public were notified of the public meetings and comment period. Scoping letters describing the Proposed Actions were sent to affected or interested agencies, groups, organizations, and individuals. A public scoping meeting and eight public presentations were held in the area between October 2, 2003 and January 7, 2004. The BLM received 17 written scoping comments.

The Draft EIS (DEIS) Notice of Availability (NOA) was published by the BLM in the Federal Register and the Environmental Protection Agency (EPA) on May 20, 2005 and the 60-day comment period ended July 20, 2005. A news release was distributed via fax to area media (newspaper, radio, and television outlets) with the announcement that the DEIS was available to the public and notification of public meetings. Two public open houses were held in Reno, Nevada in June and July 2005; a public meeting was held in Susanville, California in June 2005; and public presentations were conducted for Washoe County's North Valleys Citizen Advisory Board and the City of Reno's North Valleys Neighborhood Advisory Board in June 2005. A total of 26 comment letters from individuals, private companies, and federal and state agencies were received.

The NOA for the Final EIS (FEIS) was published by the EPA in the Federal Register on November 10, 2005 with a 30-day review/wait period until December 9, 2005. The BLM received 13 written comment letters, faxes, and e-mails.

APPEAL PROCEDURES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken a notice of appeal must be filed at the Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, Nevada 89701 and Intermountain Water Supply LTD, 2440 Holcomb Ranch Lane, Reno, Nevada 89511, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error. This Decision will remain in full force and effect during the appeal unless a written request for a Stay is granted.

If the appellant wishes to file a petition pursuant to regulations at 43 CFR 2801.10 or 43 CFR 2881.10 for a stay of the effectiveness of this decision during the time that the appeal is being

reviewed by the Board, the petition for a stay must accompany notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed in this office. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall show sufficient justification based on the following standards:

- 1) The relative harm to the parties if the stay is granted or denied,
- 2) The likelihood of the appellant's success on the merits,
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

RECORD OF DECISION:

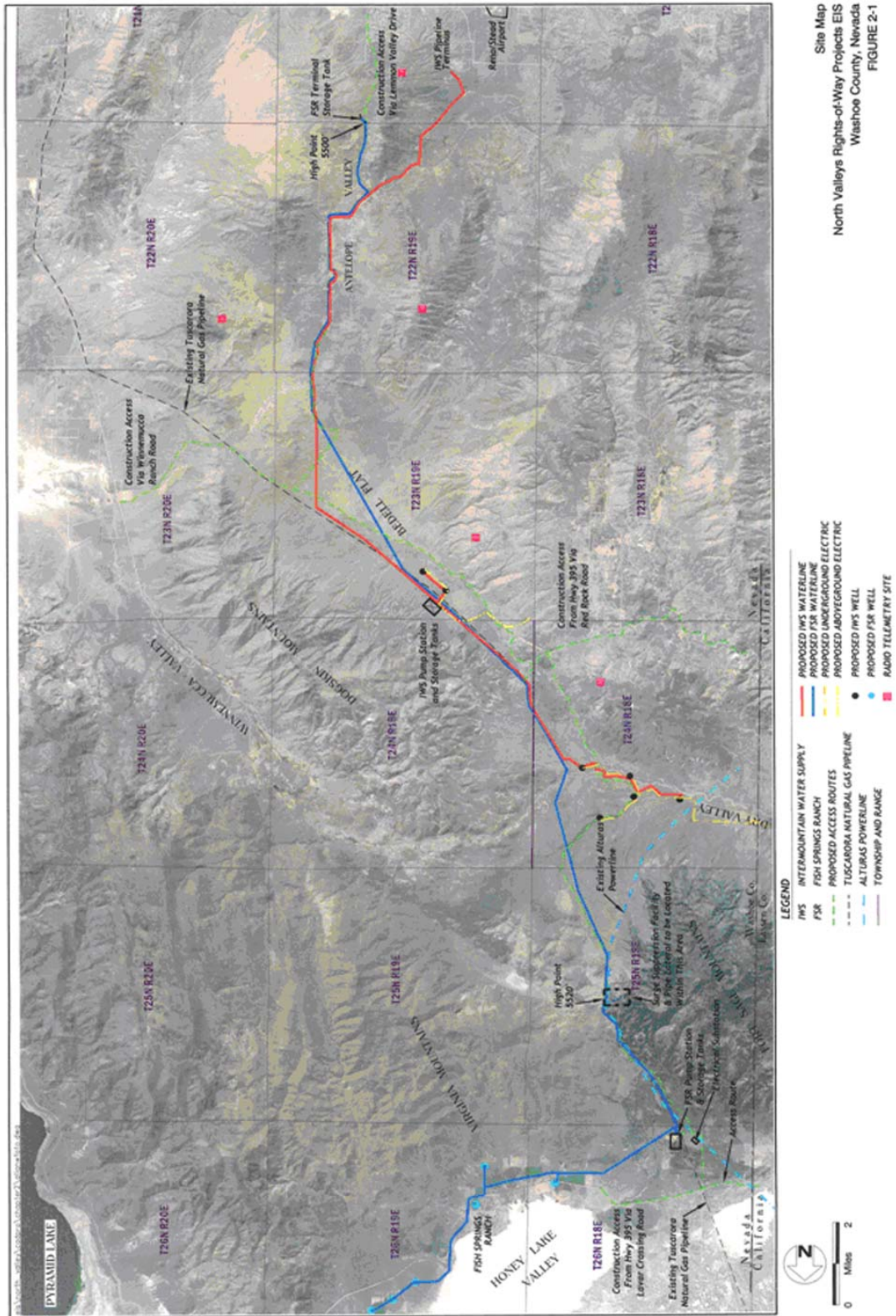
North Valleys Rights-of-Way Projects EIS, Intermountain Water Supply LTD ROW N-76897

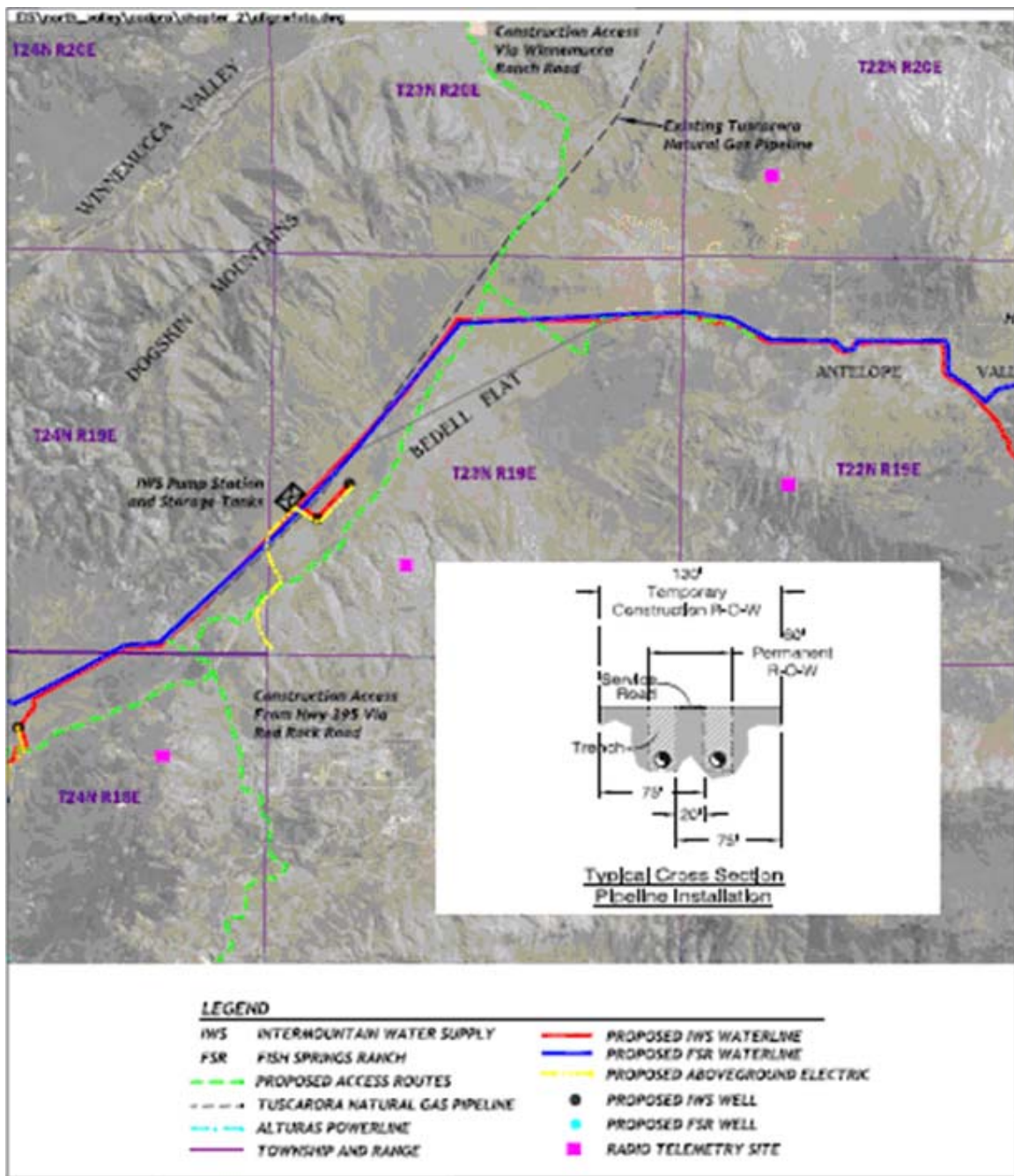
June 23, 2006

Donald T. Hicks
Manager,
Carson City Field Office

Attachments (5):

- Maps (Fig. 2-1 and Fig. 2-7)
- Special Use Permit SW05-012 – Washoe County Planning Commission
- May 2, 2006 Letter to Nevada State Engineer Hugh Ricci and attached *Revised Recommended Water Resources Monitoring and Management Plan for Future Pumping in Honey Lake Valley, Dry Valley, and Bedell Flat, Nevada*
- Form 1842-1, *Information on Taking Appeals to the Board of Land Appeals*





Alternative A
North Valleys Rights-of-Way Projects EIS
Washoe County, Nevada
FIGURE 2-7

<u>ACTION ORDER</u>

January 4, 2006

Intermountain Pipeline, Ltd.
Attn: Robert W. Marshall
2440 Holcomb Ranch Lane
Reno, NV 89502

Dear Applicant:

As filed with the Department of Community Development, the Washoe County Planning Commission, at its regular meeting of January 3, 2006, approved the following, with twenty (20) conditions:

SPECIAL USE PERMIT CASE NO. SW05-012 (INTERMOUNTAIN PIPELINE, LTD.) (Continued from November 15, 2005 meeting) – To construct and operate seven wells, five in Dry Valley and two in Bedell Flat, and associated water collection pipelines; electrical distribution lines to power the well pumps and well houses; standby diesel-powered electrical generators; a booster pump station and two 20,000-gallon water demand tanks; a 12- to 18-inch-diameter 24-mile-long transmission pipeline; and control telemetry, for the purpose of supplying 2,500 acre-feet of municipal water to the southern Washoe County. The wells, power line, pump station and demand tanks, and pipeline would be located on a combination of private and public land in Dry Valley and Bedell Flat. The pipeline would begin in Dry Valley and traverse east across private and public land to the existing Tuscarora Gas Pipeline. Seven miles of the water pipeline would be constructed adjacent to the Tuscarora Gas Pipeline right-of-way on BLM land. At a point along the gas pipeline in eastern Bedell Flat, the pipeline route would turn south to Antelope Valley and follow approximately 10 miles of County road rights-of-way and easements through Antelope Valley to the terminus north of the Reno-Stead Airport. The property is located in Washoe County Commission District No. 5, and within the boundaries of the North Valleys and Gerlach/Empire Citizen Advisory Boards. (APNs the improvements cross: 079-200-03 thru 07; 079-200-41; 078-351-03; 079-210-46; 079-510-06, 07; 079-500-23, 49-59; 079-450-05, 32, 33, 46, 52, 53, 53, 60, 68, 77; 079-410-01, 03, 08, 09, 10, 25, 26; 079-420-11, 12-18, 22, 23, 24; 079-430-02, 03, 04, 13; 079-332-09, 10, 11, 23; 089-100-29; 089-110-02.) Easements required for the project may not be secured at the time of the public hearing before the Planning Commission but will be required before construction begins.

The approval of the special use permit was based on the following findings:

1. Consistency. That the proposed use is consistent with the policies, action programs, and standards of the Comprehensive Plan and those of the High Desert and North Valleys Area Plans;
2. Improvements. That, where appropriate, adequate utilities, roadway improvements, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for the type of development and for the intensity of the development;
4. Issuance Not Detrimental. That, as determined by the Environmental Impact Statement issued by the U.S. Bureau of Land Management (BLM), issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. That, based on the Environmental Impact Statement and a United States Geological Survey report published in 2004, the Planning Commission had concerns about the actual availability of water and the possible impact of withdrawing the water from Dry Valley in Lassen County, California;
 - a. The US Geological Survey (USGS) under contract with Washoe County conducted an evaluation on groundwater resources in Dry Valley which was published in 2004 (Berger et al. 2004). This study states "...total natural ground-water discharge from Dry Valley ranges from a minimum of about 700 acre-feet to a maximum of about 1,000 acre-feet annually" (Berger et al. 2004, pg 1);
 - b. Intermountain Water Supply has proposed development of the water supply project incrementally in three stages. There has been no long-term utilization of groundwater resources (wells) for agricultural purposes in the Nevada portion of Dry Valley;
 - c. Dry Valley contributes both groundwater and surface flow to the Long Valley Sub Basin in Lassen County;
 - d. Intermountain Water Supply does not, and has not, historically operated any irrigation wells in Dry Valley;
 - e. Wells closer to the California-Nevada state line have a greater potential for intercepting groundwater and surface flow that contribute to recharge of Long Valley Creek in the Long Valley Sub-Basin in the Honey Lake Valley; and
6. That the Planning Commissioners gave reasoned consideration to the information contained within the staff report and information received during the public hearing.

**CONDITIONS FOR
SPECIAL USE PERMIT CASE NUMBER SW05012
INTERMOUNTAIN WATER SUPPLY, LTD.
As Approved by the Washoe County Planning Commission On January 3, 2006**

***** IMPORTANT -- PLEASE READ *****

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, ITS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONS CONDITIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE RENEWAL OF A BUSINESS LICENSE EACH YEAR. FAILURE TO ADHERE TO THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL CONDITIONS ARE COMPLIED WITH TO THE SATISFACTION OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

SPECIFIC CONDITIONS OF APPROVAL

1. A copy of the Action Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County, including the required building permits.
2. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Department of Community Development shall determine compliance with this condition.
3. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the special use permit to meet with the Department of Community Development to review conditions of approval before the final sale of the site and/or the special use permit. Any subsequent purchaser/operator of the site and/or the special use permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.
4. The applicant shall submit a written waiver request to the Director of the Department of Community Development to the landscaping and parking standards required by the Development Code for the well houses, booster pump station, and demand tanks. If the parking waiver is granted, at least one graveled parking space shall be provided at each site and shall be shown on the building permits. The Department of Community Development shall determine compliance with this condition.
5. On non-BLM land, native, drought-tolerant landscaping shall be preferred for all areas disturbed by construction activities and shall match the vegetation of the surrounding area. Cacti protected under Nevada law shall be salvaged and replanted in undisturbed habitats. The BLM or the Washoe-Storey Conservation District shall approve plants and seed mix, which shall be adhered to by the applicant. The Department of Community Development shall determine compliance with this condition.
6. The application shall submit an estimate prepared and wet-stamped by a landscape architect licensed in the State of Nevada for the revegetation/reseeding of all disturbed area not located on BLM-managed land. A bond or other financial assurance in the amount of 120 percent of this estimate shall be submitted to and held by the Department of Community Development for a period of three years following completion of revegetative efforts to assure reclamation. During these three years, and before the release of the performance bond or financial assurance, the Department of Community Development may require reseeding/revegetation of those areas where revegetation efforts have failed.
7. A site perimeter fence for all facilities shall be constructed and shall be detailed on the plans submitted for the building permit for each facility. The fencing shall be coated Sudan brown or approved equivalent in color. The Department of Community Development shall determine compliance with this condition.
8. The demand tanks and all associated exposed facilities shall be painted or coated Sudan brown or equivalent approved color. Well houses and related improvements will have a similar earth-tone exterior color. The Department of Community Development will determine compliance with this condition.

9. Surplus excavated materials that cannot be used on the project site for backfill or reclamation shall be disposed of in an approved landfill. Material disposed of elsewhere in an amount that requires a Special Use Permit under Section 438 of the Development Code shall not be exported until a special use permit is obtained for the site on which the material will be deposited.
10. The use of straw bales for sedimentation and erosion control is prohibited. Alternative methods complying with the requirements of the Truckee Meadows Best Management Practices Handbook, the County Engineer, and Washoe County Health Department shall be used. The applicant shall prepare a reclamation/noxious weed control plan. The use of topsoil for reclamation obtained where noxious weeds are present shall be in accordance with the reclamation/noxious weed control plan. Growth of noxious weeds on the reclaimed area shall be removed from the pipeline corridor prior to release on the performance bond required in Condition 6. The Department of Community Development and the District Health Department shall determine compliance with this condition.
11. The following conditions shall be completed to the satisfaction of the County Engineer:
 - a. A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMPs) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
 - b. The developer shall obtain from the Nevada Division of Environmental Protection a Stormwater Discharge Permit or Waiver for construction and submit a copy to the Engineering Division prior to issuance of a grading permit.
 - c. The developer shall complete and submit the Construction Permit Submittal Checklist and pay the Construction Stormwater Inspection Fee prior to obtaining a grading permit. The County Engineer shall determine compliance with this condition.
 - d. Applicant shall indicate on the plans how trench overage materials will be disposed of.
 - e. A grading bond of \$1,500/acre of disturbed area shall be provided to the Engineering Division prior to any grading. Areas that are bonded with the BLM for revegetation or areas that fall within existing roadways or maintenance access roads will not require bonding.
 - f. An U.S. Army Corps of Engineers permit is required for crossing any waters of the U.S.

- g. The applicant shall provide temporary and permanent easements for construction and access. A copy of the easements shall be submitted to the Engineering Division.
 - h. An approved occupancy permit shall be obtained from the Nevada Department of Transportation (NDOT), for access to, from, or under roads and highways maintained by NDOT and a copy of said permit sent to the Engineering Division.
 - i. All disturbed areas in access easements shall be restored to at least preconstruction condition.
 - j. During construction, access easements shall remain open to allow for local and emergency traffic access.
 - k. The applicant shall obtain a street excavation permit from the Washoe County Engineering Division for all work in the County right-of-way.
- 12. The following conditions shall be completed to the satisfaction of the Department of Water Resources (DWR):
 - a. In accordance with the applicable ordinances, improvement plan checking and construction inspection fees shall be paid with the improvement plan submittal.
 - b. The Applicant shall submit water improvement plans to the DWR for review and approval. A Professional Engineer licensed to practice in the State of Nevada must design the improvement drawings.
 - c. DWR approved improvement plans shall be used for construction. The DWR will be responsible to inspect the construction of the water improvements or appurtenant facilities.
- 13. The following conditions shall be completed to the satisfaction of the Reno Fire Department:
 - a. Access roadways shall be designed and constructed to County Engineering standards.
 - b. A fire hydrant with fire flows, as set forth in Washoe Code Chapter 60, shall be installed at the booster station.
- 14. Construction activities within 500 feet of residences shall be limited to the hours of 7:00 AM to 6:00 PM Monday through Saturday.
- 15. Blasting within 1,000 feet of any residence shall require written notification to these residences by the applicant, with a copy of the notice submitted to the Department of Community Development, at least three days prior to the scheduled blasting. The Department of Community Development shall determine compliance with this condition.
- 16. Pumping and supplying water as described in this application shall not commence

until a Water Resources Monitoring and Management Plan is approved by the State Engineer and implemented. The applicant or its successors shall strictly adhere to all requirements and controls contained in the Plan concerning the withdrawal of water and the monitoring program. The applicant shall submit a yearly report demonstrating compliance with this condition. The Department of Community Development shall determine compliance with this condition.

17. The applicant shall post a bond with the Washoe County Department of Community Development in an amount approved by the County Engineer to cover any damage caused by the applicant to roadways maintained by either Red Rock Homeowners Association or Rancho Haven Homeowners Association. The Department of Community Development shall determine compliance with this condition.
18. The DV-5 production well shown in Figure 2 of the application shall not be used for the first stage of production.
19. Monitoring of the first stage shall include thorough testing and review by the Nevada State Engineer, the United States Geological Survey, and Washoe County Department of Water Resources to confirm that the water is actually available.
20. Sustainable perennial yield shall be subject to the determination and approval of the Nevada State Engineer and the water purveyor (i.e., Washoe County or Truckee Meadows Water Authority) prior to the commitment of the water resource.

**** END OF CONDITIONS ****



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Carson City Field Office
5665 Morgan Mill Road
Carson City, Nevada 89701
<http://www.blm.gov>



MAY - 2 2006

In Reply Refer To:
2800 (NV030)

Nevada Division of Water Resources
Attn: Hugh Ricci, State Engineer
901 S. Stewart St., Ste. 2002
Carson City, NV 89701-5250

Dear Mr. Ricci:

On December 12, 2005, Terri Knutson, of my staff, and I met with Jason King, Robert Martinez, and Richard Felling, of your staff, to discuss the *North Valleys Rights-of-Way Projects Final Environmental Impact Statement - Fish Springs Ranch and Intermountain Water*. Included in Appendix D of this Final EIS is a document called *Recommended Water Resources Monitoring and Management Plan for Future Pumping in Honey Lake Valley, Dry Valley, and Bedell Flat, Nevada* (Plan). As was discussed in the meeting in December, this Plan was developed and recommended in coordination with the Cooperating Agencies for the EIS and for your consideration. The Cooperating Agencies for the North Valleys EIS are: U.S. Fish & Wildlife Service; U.S. Bureau of Indian Affairs; U.S. Geological Survey; Sierra Army Depot; Pyramid Lake Paiute Tribe; Susanville Indian Rancheria; California Department of Water Resources; California Department of Fish and Game; Lassen County, CA; Washoe County, NV; Truckee Meadows Water Authority; Truckee Meadows Regional Planning Agency; Airport Authority of Washoe County; City of Reno; and City of Sparks.

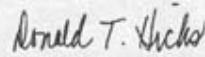
The Final EIS was released to the public on November 10, 2005 and the comment period ended on December 30, 2005. A total of 13 comment letters were received and seven of those letters were from Cooperating Agencies (BIA-Western Nevada Agency and Western Regional Office; Lassen County; California Water Resources; Pyramid Lake Paiute Tribe; Susanville Indian Rancheria; and Truckee Meadows Regional Planning Agency). All but one of the comment letters from the Cooperating Agencies contained revisions for the Plan. Attached is the revised Plan incorporating all comments received from the Cooperating Agencies.

The BLM Carson City Field Office strongly urges the implementation of the attached Plan. As stated in NRS 534.250(5.) "The State Engineer shall require the holder of a permit to monitor the operation of the project and the effect of the project on users of land and other water within the area of hydrologic effect of the project. In determining any monitoring requirements, the State Engineer shall cooperate with all government entities which regulate or monitor, or both, the quality of water." As described in the document, the BLM would not take a lead role in implementing the Plan but would be happy to help or facilitate in any other way needed. Please notify this office of any decisions you make in this matter. The record of decisions (RODs) for

both the Fish Springs Ranch and Intermountain Water Projects should be issued within the next month.

Thank you for your consideration in review of this document. If you have any questions, please call either myself at 885-6000 or Terri Knutson at 885-6156.

Sincerely,



Donald T. Hicks
Manager,
Carson City Field Office

Enclosure: *Revised Recommended Water Resources Monitoring and Management Plan for Future Pumping in Honey Lake Valley, Dry Valley, and Bedell Flat, Nevada*

Cc: U.S. Fish & Wildlife Service; U.S. Bureau of Indian Affairs; U.S. Geological Survey; Sierra Army Depot; Pyramid Lake Paiute Tribe; Susanville Indian Rancheria; California Department of Water Resources; California Department of Fish and Game; Lassen County, CA; Washoe County, NV; Truckee Meadows Water Authority; Truckee Meadows Regional Planning Agency; Airport Authority of Washoe County; City of Reno; and City of Sparks.

REVISED

**RECOMMENDED WATER RESOURCES MONITORING AND
MANAGEMENT PLAN**

**FOR FUTURE PUMPING IN HONEY LAKE VALLEY,
DRY VALLEY AND BEDELL FLAT, NEVADA
NORTH VALLEYS RIGHTS-OF-WAY PROJECTS**
(Submitted to the Nevada State Engineer)

The purpose of this Monitoring and Management Plan (**Plan**) is to describe monitoring and management activities of water resources and related potential impacts due to development of groundwater resources in eastern Honey Lake Valley, Dry Valley, and Bedell Flat associated with the proposed North Valleys Rights-of-Way Projects (**Projects**). This Plan applies to proposed groundwater extraction rates of up to 8,000 acre-feet per year (af/yr) in eastern Honey Lake Valley, 2,000 af/yr in Dry Valley, and 500 af/yr in Bedell Flat. The groundwater would be extracted from these valleys by Fish Springs Ranch and Intermountain Water Supply (**Proponents**) and conveyed via pipelines to the North Valleys Planning Area in Washoe County, Nevada, and also be subject to water right appropriations from the Nevada State Engineer and conformance with Nevada State law concerning adverse impacts to public resources. This Plan is prepared to cover both Proponents; site-specific proposed monitoring activities are presented in **Attachment A** (Honey Lake Valley), **Attachment B** (Dry Valley), and **Attachment C** (Bedell Flat).

It should be recognized that this recommended **Plan** was included in the Final EIS (FEIS) due to the lack of concurrence between Cooperating Agencies and the Project Proponents regarding the adequacy of existing data and hydrologic evaluations (contained in the FEIS) to substantiate sustainable annual groundwater extraction levels in the Project areas. This **Plan** is intended to provide the necessary data, provide an early warning capability and provide safeguards for responsible management of the water resources.

Along with the U.S. Bureau of Land Management (BLM) as lead agency, the following groups are cooperating agencies for the North Valleys Rights-of-Way Projects EIS: U.S. Geological Survey (USGS); U.S. Fish and Wildlife Service (USFWS); U.S. Bureau of Indian Affairs (BIA); Pyramid Lake Paiute Tribe; Sierra Army Depot; California Department of Water Resources; California Department of Fish and Game; Washoe County, Nevada; Lassen County, California; Truckee Meadows Water Authority; Truckee Meadows Regional Planning Agency; City of Reno; City of Sparks; Airport Authority of Washoe County; and

Susanville Indian Rancheria. This group hereinafter is referred to as the “**Cooperating Agencies**”. Because the two project Proponents would eventually be replaced by a local area water purveyor, this potential purveyor should also become a “Cooperating Agency”. The two agencies with primary importance with respect to this Plan are:

- Nevada State Engineer (Nevada Dept. of Conservation and Natural Resources – Division of Water Resources): This state agency has authority to administer the use of water resources in Nevada, including the issuance of water rights.
- U.S. Geological Survey (U.S. Dept. of the Interior): This federal agency is the primary water resources data collection agency in the United States. It is in the process of developing a regional groundwater monitoring program in west-central Nevada and adjoining portions of California.

Because these agencies have the jurisdiction, and over-riding authority and responsibility for the protection of water resources in Nevada and nationwide respectively, they should together provide impartial over sight for development of groundwater for this Project.

This Plan consists of four principal components:

1. Monitoring Requirements, related to production wells, monitoring wells, elevation control, spring flow, water quality, precipitation stations, quality of data, and reporting as proposed in Attachments A, B, and C to this document.

Incorporated in the development of the monitoring plan would be the inclusion of data from *Previous Monitoring*, related to monitoring of surface water and groundwater resources in Honey Lake Valley, Dry Valley, and Bedell Flat, including location of existing supply and monitoring wells, groundwater extraction rates, groundwater level measurements, flow from springs, water quality, precipitation data, and wetland/riparian conditions

2. Management Requirements, related to the creation and role of a Water Advisory Committee (WAC), and a subcommittee of the WAC – the Technical Advisory Committee (TAC), continued use of numerical groundwater flow models, establishment of action criteria, and details of the decision-making process;

3. Mitigation Measures, related to potential mitigation measures that could be implemented if “unreasonable adverse impacts” (to be defined) occur as a result of groundwater extraction associated with the North Valleys Projects; and
4. Modification of Plan, related to procedures that could be followed to modify the Plan if future changing conditions or mitigations warrant modifications.

The common goal of the Proponents, BLM, Cooperating Agencies, and the Nevada State Engineer (all referred to as “**Parties**”) in proposing and adopting this plan is to develop water resources data relating to a better understanding and analysis to assist the Nevada State Engineer in managing development of groundwater resources in Honey Lake Valley, Dry Valley, and Bedell Flat without resulting in unreasonable adverse impacts to public resources and the prior water rights of other appropriators (i.e., receptors). The Parties agree that groundwater extraction and management decisions can be based on data collected and analyzed for these proposed Projects and from the USGS proposed regional monitoring program. The Parties will collaborate via the WAC on technical data collection and analysis provided by the TAC.

The Parties acknowledge that pursuant to NRS 534.110(4) each right to appropriate groundwater in the State of Nevada carries with it the right to make a reasonable lowering of the static groundwater level at the appropriator’s point of diversion and that pursuant to NRS 534.110(5) the Nevada State Engineer may allow, at his discretion, the groundwater level to be lowered at the point of diversion of a prior appropriator with the provision that rights of holders of existing appropriations can be satisfied under such express conditions.

The Parties expressly acknowledge that the Nevada State Engineer has, pursuant to both statutory and case law, broad authority to administer groundwater resources in the State of Nevada. The Pyramid Lake Reservation is held in Trust by the United States government. The U.S. and its representative, the BIA hold legal authority and jurisdiction over water resources located on the Reservation. Nothing contained in this Plan shall be construed as waiving or diminishing such authorities.

MONITORING REQUIREMENTS

The Final EIS for the North Valleys Rights-of-Way Projects contains information about water resources data in Honey Lake Valley, Dry Valley, Bedell Flat, and surrounding areas. This information includes location of existing supply and monitoring wells, groundwater extraction rates, groundwater level measurements, flow from springs, water quality, precipitation data, and wetland/riparian conditions. This information, as well as data

available from other local, state, and federal agencies, would be compiled into a central database that would be expanded as new data are collected.

Generally, project specific monitoring may be the responsibility of the Proponents as recommended or agreed to by the TAC; however, the USGS is in the process of developing a regional groundwater monitoring program in west-central Nevada and adjoining portions of California (i.e., “Regional Study Area”). Objectives are to develop a network of monitoring wells in the Regional Study Area to monitor and document any regional effects of future groundwater development and management on groundwater levels, water quality, and groundwater discharge.

The USGS regional monitoring network would be designed to supplement rather than replace individual project monitoring programs. For example, Project monitoring would be conducted by the technical agents of the Proponents, while the USGS monitors other wells within Honey Lake Valley, Dry Valley, Bedell Flat, and surrounding basins. The USGS monitoring may include wells in the Project monitoring groups. In addition to the Proponents, Washoe County, Lassen County, and/or other agencies also may volunteer to participate in some monitoring activities.

The term “as is feasible” as used in this Plan shall relate to mechanical failures or other events/reasons outside the control of the Parties, or agreed by the Parties, that do not permit data collection.

Production Wells

- Discharge rates and groundwater levels may be measured in production wells on a continuous or frequent basis, as is feasible, using permanent recording devices. Water levels could be measured during pumping and non-pumping periods.
- The proposed action includes six production wells at the Fish Springs Ranch property in eastern Honey Lake Valley, five wells in Dry Valley, and two wells in Bedell Flat.
- All monitoring data may be entered into a project database recommended by the TAC.

Monitoring Wells

- A network of monitoring wells has been proposed by the Proponents to measure groundwater levels over time. Monitoring wells are located in Honey Lake Valley (**Attachment A**), Dry Valley (**Attachment B**), Bedell Flat (**Attachment C**). These

proposed monitoring networks would be subject to concurrence from the TAC. The USGS likely could establish additional monitoring wells in the Regional Study Area that includes some surrounding valleys that may be affected by groundwater extraction (e.g., Smoke Creek Desert, Pyramid Lake Valley, Warm Springs Valley, Antelope Valley, and/or Long Valley).

- Groundwater levels can be measured, as feasible, using permanent recording devices in selected monitoring wells. For those monitoring wells without continuous monitoring instruments, water levels could be measured initially on a quarterly basis to establish seasonal variations, followed by semi-annual or annual measurements after such seasonal trends have been established.
- The TAC may recommend that new monitoring well(s) be installed in key areas where there are no existing wells available for monitoring. These new wells can be located and constructed in a cost-effective manner, while meeting the objectives of early-warning detection of impacts, if any, from proposed groundwater extraction. Consideration could be given to completing nested wells that monitor individual aquifers at a single location. The Proponent(s) may be responsible for completing new monitoring well(s), unless another member of the Parties or the USGS agrees to complete the well(s).
- Initiation of groundwater level monitoring should commence as soon as possible, recognizing the desire to obtain baseline data prior to groundwater extraction. Groundwater levels should be measured in each aquifer from which ground water is extracted, as is feasible, in basins including and immediately surrounding Honey Lake Valley, Dry Valley, and Bedell Flat.
- Locations and monitoring frequency of the monitoring well network would be reviewed by the TAC on an annual basis, and may be reduced or expanded in scope upon its recommendation to the WAC.
- All groundwater level monitoring data would be entered into the project database on a regular basis, reflecting the monitoring interval chosen.

Elevation Control

- Ground surface and measuring point elevations should be established using survey-grade GPS instrumentation at production and monitoring wells used as part of this Plan. Elevations for surface water and spring monitoring Locations should also be established.

The common datum would allow a comparative base for all elevation associated data; including the possibility of the occurrence of subsidence due to groundwater extraction.

- All elevation measurements would be added to the project database that contains project data.

Monitoring Springs and Riparian Areas

- Selected springs and associated riparian areas could be monitored on a quarterly basis located in Honey Lake Valley (**Attachment A**), Dry Valley (**Attachment B**), Bedell Flat (**Attachment C**), and some surrounding valleys that may be affected by groundwater extraction (e.g., Smoke Creek Desert). Monitoring may consist of measuring flow rate and photo-documenting general site conditions (see attachments for proposed site-specific monitoring activities). Flow can be estimated for low flow conditions or where flow is diffuse on the ground surface. Monitoring frequency may be reduced later as recommended by the TAC to semi-annually or annually.
- Initiation of monitoring for springs and riparian areas could commence as soon as possible, recognizing the desire to obtain baseline data prior to groundwater extraction. Monitoring data may be recorded using a standard format to be used for each monitoring event.

Water Quality

- Groundwater quality samples may be collected from selected production and monitoring wells and analyzed by a laboratory for major ions, trace elements, and/or isotopes. Wells to be sampled, schedule of sample collection, and list of parameters are included in **Attachments A, B, and C**.
- Frequency, sampling location, and water quality parameters may be reviewed by the TAC on an annual basis, and reduced or expanded in scope upon its recommendation to the WAC.

Precipitation Stations

- Precipitation stations would be established in each of the following locations: eastern Honey Lake Valley, western Dry Valley, and central Bedell Flat. Existing precipitation stations may be used where possible. The purpose of collecting precipitation data is to

support conclusions regarding changes in groundwater levels with corresponding changes in precipitation, if it occurs.

- All precipitation data would be entered into the project database.

Quality of Data

- The TAC would ensure that the entity or entities that collect water resources data follow standard protocols of data collection, recording and analysis (e.g., USGS and EPA), unless otherwise agreed to by the Parties.
- The water quality sampling program would include standard field and laboratory quality control procedures.

Reporting

- All data collected under or as described in this Plan, would be fully and cooperatively shared among the Parties, and made available to the public after appropriate QA/QC evaluation procedures have confirmed its accuracy.
- All water resources information collected for the North Valleys Projects would be downloaded to the project database and updated periodically on a website that is accessible to all Parties and the public.
- In addition to updating the water resources project database on a regular basis, an annual summary report would be prepared by the TAC that summarizes all information collected during the previous calendar year, including an analysis of any trends. These reports would be provided to the WAC for annual assessment of potential impacts to water resources resulting from groundwater extraction in Honey Lake Valley, Dry Valley, and Bedell Flat.

MANAGEMENT REQUIREMENTS

Water Advisory Committee (WAC) and Technical Advisory Committee (TAC)

These two committees are to establish and carry out policy (WAC), and to provide the technical scientific expertise (TAC) necessary to impartially develop, evaluate and analyze data. Separation of the roles and responsibilities of these two bodies is crucial to the maintenance of scientific impartiality of the data program.

- The Parties would establish a Water Advisory Committee (WAC) with membership created from representatives from cooperating agencies listed above, BLM, Project Proponents, and Nevada State Engineer. The WAC may also include representatives from the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers. A representative of the Nevada State Engineer's Office would be invited to participate as the chair of the WAC.
- The WAC would create a Technical Advisory Committee (TAC) as a subcommittee to the WAC. TAC members would be appointed by the WAC.
- The WAC would meet in the first quarter of each year, or at other times as mutually agreed upon.
- The TAC would meet initially to establish and execute the monitoring plan and, thereafter, at intervals deemed appropriate to review and analyze data.
- Roles and responsibilities of the WAC and TAC would be determined by the Parties under advisement of the Nevada State Engineer's Office.

Suggested purposes and functions of the WAC would be to:

1. Provide a forum for discussion of relevant data and analyses.
2. Share information regarding modeling efforts and model results, if used as part of the monitoring and management program.
3. Discuss needs for additional data collection and scientific investigations as recommended by the TAC.
4. Provide status reports and recommendations to the Parties.
5. Form recommendations for groundwater management actions based on reports from the TAC.
6. Recommend values for monitored variables (water levels, spring discharges, etc.) known as "action criteria", which, if exceeded, could be of concern to the parties. The values would be based on evaluations of historic hydrologic conditions and trends reported by the TAC.
7. Determine what constitutes an "unreasonable adverse impact" on a case-by-case basis.
8. Provide the Nevada State Engineer, Washoe County, and other relevant agencies with results of any analyses or technical evaluations, along with recommendations for specific mitigation.

Suggested purposes and functions of the TAC would be to:

1. Review proposed project monitoring plans and recommend implementation as appropriate.
2. Review historic groundwater level trends, spring and creek flows to determine historic hydrologic trends. Where possible identify wet and dry regimes, climate effects on groundwater recharge rates and base flows in surface waters. Where possible identify critical lows for detrimental impacts on habitat and resource sustainability.
3. Develop/refine standards and quality control procedures for data collection, management and analysis.
4. Evaluate monitoring plans and data to determine whether data gaps exist, make appropriate recommendations to the WAC.
5. Evaluate all monitoring data to determine if any action criteria have been exceeded, indicating a possible unreasonable adverse impact, report findings to the WAC.

Numerical Ground-Water Flow Models

- The TAC can recommend if numerical groundwater flow models that have previously been prepared for the North Valleys Projects for each of the three basins could be updated for use by the TAC/WAC for predicting future impacts.
- If deemed appropriate by the TAC/WAC, the full TAC or members of the TAC could update each model at the request of the Nevada State Engineer. Model output could be in the form of drawdown maps at appropriate intervals as requested by the State Engineer, plots of simulated water levels for the aquifer systems, and results of model calibration. The TAC would provide scientific review of modeling updates and hydrogeologic assumptions.

Action Criteria

- Specific quantitative criteria (action criteria) would be developed by the WAC, based on data developed by the TAC, and recommended to the Nevada State Engineer for possible use to “trigger” management actions.
- Action criteria would be developed by the WAC and recommended to the Nevada State Engineer to provide early warning of unreasonable adverse impacts to public

resources and prior water rights of other appropriators. These criteria would be based on changes in groundwater levels, flow of springs, water quality, and/or changes in wetland/riparian habitat that can be attributed to groundwater extraction by the Project(s).

- If and when any action criterion is reached, the following management actions could be triggered:
 1. The WAC would request that the TAC conduct a thorough fact-finding to determine the level and extent of impacts, the TAC would report findings to the WAC;
 2. If WAC members agree that the action criterion exceedance is attributable to groundwater extraction by the Project(s), then the TAC would make recommendations to the WAC for possible mitigation actions to alleviate the impacts;
 3. The WAC members would determine whether or not to implement the recommended mitigation actions. The Nevada State Engineer's Office would determine whether the appropriate actions were implemented to conserve the resource.
- In the event that adverse environmental impacts are found to be unrelated to Project operations, the Nevada State Engineer should consult with the USGS regarding regional hydrologic conditions that may be contributing to the impacts.
- Any member of the WAC may propose a change to any action criterion. Any such change could be presented in writing to other members of the WAC, and accompanied by data and scientific analyses to support the proposed change. If the supporting analyses are found to be technically sound, then the WAC may recommend to the Nevada State Engineer that the action criterion be adjusted, as appropriate.

Decision-Making Process

- If the WAC determines that an action criterion is exceeded and attributed to groundwater extraction by the Project(s), based on reports from the TAC, the WAC can recommend a course-of-action (i.e., management activity or mitigation measure). If within the WAC, there are: (1) different interpretations regarding relationship of an adverse impact to the Project's groundwater extraction; or (2) different opinions on the course-of-action, the Parties may jointly agree to conduct additional data collection and/or data review and analysis directed at resolving the different interpretations or

opinions, if possible. If that is not successful, the Parties could refer the issue to their respective managers and the Nevada State Engineer. Nothing herein limits or changes the Nevada State Engineer's authority, and any Party can petition the State Engineer to consider the issue.

- In the event that any of the Parties disagree as to whether the Proponents' proposed or ongoing groundwater extraction will result in unreasonable adverse impacts, any Party may petition the Nevada State Engineer to request that it determine whether there is or is not adverse impact(s) that require implementation of management or mitigation measures.

MITIGATION MEASURES

- The Project(s) can mitigate unreasonable adverse impacts either as agreed upon by the Parties or after the Nevada State Engineer determines whether there are unreasonable adverse impacts due to Project(s) groundwater extraction. The Parties may take necessary steps to ensure that mitigation actions are feasible and reasonable.
- The mitigation portion of the plan should include a bond or escrow account established by the Project Proponents to fund possible mitigation actions.
- Mitigation measures may include one or more of the following:
 1. Geographic redistribution of groundwater extraction;
 2. Reduction or cessation of groundwater extraction from one or more wells;
 3. Restoration/modification of existing habitat;
 4. Establishment of new habitat;
 5. Augmentation of water resources with groundwater extracted for the Project(s);
 6. Purchase other water rights in the area, if available;
 7. Other measures as agreed to by the Parties and/or required by the Nevada State Engineer.

MODIFICATION OF THE PLAN

- The Parties may modify this Plan by mutual agreement. The Parties also acknowledge that the Nevada State Engineer has authority to modify this Plan. In addition, the Parties may individually or jointly petition the Nevada State Engineer to modify this Plan in the event that mutual agreement cannot be reached. Any such petition shall only be filed

after 90 days written notice to the remaining Party members. Any Party member, including the Proponents, may submit written comments to the Nevada State Engineer regarding the merits of any such petition for modification.

ATTACHMENT B

PROPOSED MONITORING PLAN FOR DRY VALLEY

ATTACHMENT B PROPOSED WATER RESOURCES MONITORING PLAN FOR DRY VALLEY AREA

This water resources monitoring program is proposed by Intermountain Water Supply for groundwater extraction of up to 2,000 acre-feet per year (af/yr) from five production wells located in Dry Valley, Nevada. The monitoring program would document changes that could be caused by the pumping and transfer of water from Dry Valley to the Stead/Lemmon Valley areas.

GROUNDWATER LEVELS

Depth to groundwater will be measured in all production wells (DV-1 through DV-5) on a daily basis using pressure transducers or sounding probes. Each production well will be equipped with a flow meter to record cumulative water production. Cumulative well production will be recorded at least once per month.

A network of 15 monitoring well sites will be measured for water levels on a minimum quarterly basis. Locations are shown on **Figure D-2** and listed in **Table D-1**. Two of the sites located near the CA-NV state line are nested piezometers (DVM-15/-16 and DVM-17/-18/-19) recently installed by the USGS. All of the wells are located on private property, with the exception of DVM-1 which is located on BLM public land. Permission is still needed from some land owners to gain access to some of the monitoring wells.

Four 6-inch diameter test wells (DVM-1 through DVM-4) ranging in depth from 700 to 800 feet are being installed this year (2005) at the locations of proposed production wells. These test wells will be established as nearby monitoring wells for the production wells that will be installed at a later date. One new monitoring well is proposed for the center of the lower valley floor where deep monitoring wells are presently absent. This new well would

be completed to a depth of 700 to 800 feet.

Continuous water level recorders will be installed on two shallow wells (DVM-6 and DVM-17) and two deep wells (DVM-5 and DVM-9 or DVM-18). This will allow daily tracking of water levels from these wells.

Ground surface and measuring point elevations will be measured at each production and monitoring well using a survey-grade GPS instrument. Groundwater level data will be downloaded at least semiannually into a project database and the accuracy of the measurements checked with manual measurements using an electronic sounder. Future groundwater monitoring will be accomplished by a combination of efforts of the well field operator and USGS.

TABLE D-1				
Proposed Monitoring and Production Wells for Dry Valley, Nevada				
Well Number	Well Type	Well Depth (feet)	Well Diameter (inches)	Monitoring
DVM-1	Test/Mon. Well	710	6	Water Level Only
DVM-2	Test/Mon. Well	800	6	Water Level Only
DVM-3	Test/Mon. Well	700	6	Water Level Only
DVM-4	Test/Mon. Well	800	6	Water Level Only
DVM-5	Test/Mon. Well	600	2	Water Level Only
DVM-6	Monitoring Well	35	2	Water Level Only
DVM-7	Monitoring Well	20	2	Water Level Only
DVM-8	Monitoring Well	23	2	Water Level Only
DVM-9 (Lenz)	Domestic Well	100	6	Water Level Only
DVM-10 & -11	Monitoring Well	32	2	Water Level Only
DVM-12	Monitoring Well	Unknown	12	Water Level Only
DVM-13	Abandoned Domestic Well	28	8	Water Level Only
DVM-14	Test/Mon. Well	140	6	Water Level Only
DVM-15 & -16	Monitoring Well – Nested Piezometers	150, 385	2	Water Level Only
DVM-17, -18, & -19	Monitoring Well – Nested Piezometers	40, 250, 547	2	Water Level; Quality for DVM-17 & -18
DVM-20	Monitoring Well	20	2	Water Level Only
DV-1	Production Well	700 – 800	12 – 16	Water Level and Quality
DV-2	Production Well	700 – 800	12 – 16	Water Level and Quality
DV-3	Production Well	700 – 800	12 – 16	Water Level and Quality
DV-4	Production Well	700 – 800	12 – 16	Water Level and Quality
DV-5	Production Well	700 – 800	12 – 16	Water Level and

				Quality
New Well	Monitoring Well – To Be Completed	700 – 800	2	Water Level Only

See Figure D-2 for well locations.

GROUNDWATER QUALITY

Groundwater quality samples will be collected from all five production wells and selected monitoring wells and analyzed by a laboratory for major ions, trace elements, and/or isotopes. The wells to be sampled for laboratory analysis include all production wells (DV-1 through DV-5) and the following two nested monitoring wells: DVM-17 (shallow) and DVM-18 (deep) located near the state line (**Figure D-2**).

The following parameters will be measured in each water sample:

- Field Parameters: Water temperature, pH, and specific conductance.
- Common Ions: Calcium, sodium, potassium, magnesium, chloride, fluoride, sulfate, bicarbonate, nitrate, total dissolved solids, and total suspended solids.
- Trace Elements: Arsenic, barium, copper, iron, lead, manganese, and zinc.
- Isotopes: Oxygen-18 and deuterium.

More extensive water quality analysis will be performed for samples from the production wells to meet Safe Drinking Water requirements. Samples will be collected and analyzed from the selected wells on a quarterly basis for the first two years of production well pumping to establish seasonal variations. Thereafter, the wells will be sampled and analyzed semiannually. An exception is that the isotopes will be analyzed only once per year for the first two years.

Frequency, sampling location, and water quality parameters will be reviewed by the WAC on an annual basis, and may be reduced or expanded in scope upon its recommendation.

STREAM FLOW

Miscellaneous stream flow measurements in Dry Valley Creek and North Fork Dry Valley Creek have been made in the past 4 years by the USGS (Berger 2004) and Intermountain Water Supply. Perennial flow is observed to occur in the upgradient portions of these streams until the drainages discharge to the lower valley floor. The proposed production wells are located near the transition zone from perennial to ephemeral or intermittent flows. Approximately 2.5 miles farther downstream near the CA-NV state line, Dry Valley

Creek is observed to maintain a small perennial flow for a short reach.

Three continuous stage recorders will be installed on lower North Fork Dry Valley Creek (S-1), upper Dry Valley Creek (S-2), and lower Dry Valley Creek (S-3 near the state line) (**Figure D-2**). The stage data will be converted to flow rate using rating curve information developed from various flow measurements made over a range of flow conditions. This information will better characterize baseline stream flow conditions, and provide a means to monitor potential effects of production wells pumping on surface water flow.

SPRINGS AND RIPARIAN AREAS

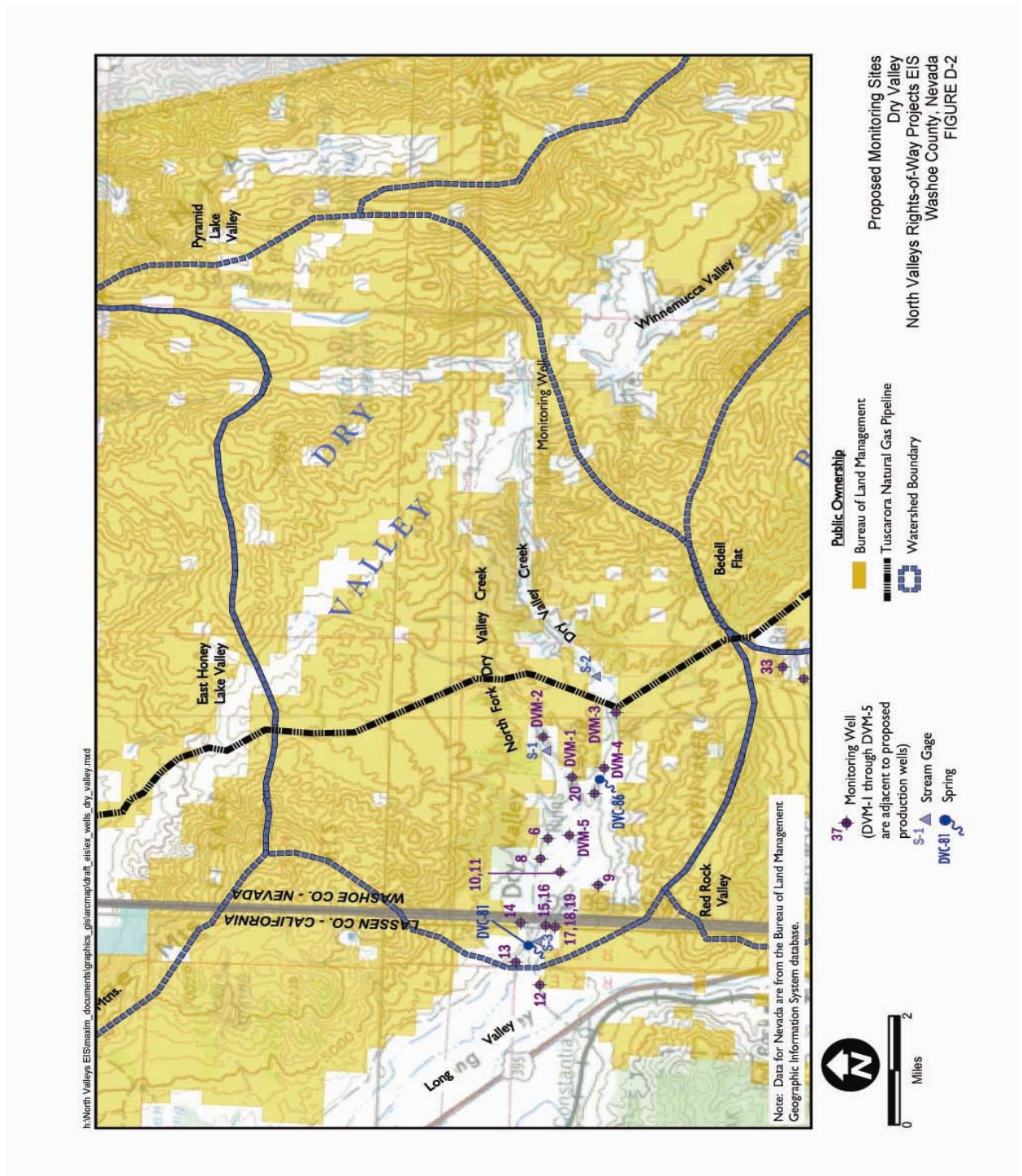
Selected springs and associated riparian areas will be monitored in Dry Valley to determine if pumping from the production wells would have an adverse effect on flow and/or vegetative conditions. The springs selected for monitoring are: DVC-81 (seepage from Dry Valley Creek into a pond); and DVC-86 (Duckweed Spring) (**Figure D-2**). Monitoring activities will be conducted on a quarterly basis, with information periodically entered into the project database. Monitoring activities will include the following:

- Flow: Flow rate of water discharging from the spring will be measured using a flow meter or portable flume. Alternatively, a staff gage can be installed to measure relative changes in water level if the flow is in a well-defined channel. For low flows or dispersed flows on the ground surface, flows can be estimated.
- Photo-Documentation of Vegetation: One or more photographs will be taken of the spring site from the same location each time so that relative changes in vegetation and overall site conditions can be evaluated.

PRECIPITATION

A precipitation gage will be installed in Dry Valley to measure precipitation amount on a daily basis. This information will be recorded weekly by the well field operator, and periodically entered into the project database.

FIGURE D-2: Proposed Monitoring Wells, Streams, and Springs in Dry Valley



ATTACHMENT C

PROPOSED MONITORING PLAN FOR BEDELL FLAT

ATTACHMENT C PROPOSED WATER RESOURCES MONITORING PLAN FOR BEDELL FLAT AREA

This water resources monitoring program is proposed by Intermountain Water Supply for groundwater extraction of up to 500 acre-feet per year (af/yr) from two production wells located in Bedell Flat, Nevada. The monitoring program would document changes that could be caused by the pumping and transfer of water from Bedell Flat to the Stead/Lemmon Valley areas.

GROUNDWATER LEVELS

Depth to groundwater will be measured in all production wells (BFM-1 and BFM-2) on a daily basis using pressure transducers or sounding probes. Each production well will be equipped with a flow meter to record cumulative water production. Cumulative well production will be recorded at least once per month.

A network of 9 to 12 monitoring well sites will be measured for water levels on a minimum quarterly basis. Locations are shown on **Figure D-3** and listed in **Table D-2**. The existing BLM stock water well in the center of the valley floor will be used for the monitoring program. Three to five domestic wells in Red Rock Estates and two or three wells in the northeast corner of Red Rock Valley would be included for water level monitoring. Permission is still needed from some land owners to gain access to some of the monitoring wells.

Three new monitoring wells are proposed for Bedell Flat, all located on BLM land. One location is to the west of proposed production well BFM-2, upgradient of Campbell Ranch Spring, for purposes of monitoring shallow groundwater in that area. The two other proposed new monitoring wells are located in the central portion of the basin to expand

coverage on the valley floor at intermediate locations between the production wells and the domestic wells at Red Rock Estates.

Continuous water level recorders will be installed on two of the new monitoring wells (BFM-3 and BFM-6). This will allow daily tracking of water levels from these wells.

Ground surface and measuring point elevations will be measured at each production and monitoring well using a survey-grade GPS instrument. Groundwater level data will be downloaded at least semiannually into a project database and the accuracy of the measurements checked with manual measurements using an electronic sounder. Future groundwater monitoring will be accomplished by a combination of efforts of the well field operator and USGS.

TABLE D-2				
Proposed Monitoring and Production Wells for Bedell Flat, Nevada				
Well Number	Well Type	Well Depth (feet)	Well Diameter (inches)	Monitoring
BFM-1	Production Well	950	16	Water Level and Quality
BFM-2	Production Well	400	12	Water Level and Quality
BFM-3	New Monitoring Well	80	2	Water Level and Quality
BFM-4	Stock Water Well	180	6	Water Level Only
BFM-5	New Monitoring Well	150	2	Water Level Only
BFM-6	New Monitoring Well	200	2	Water Level and Quality
NE Red Rock Valley Domestic Wells (2 or 3 wells)	Domestic Wells	160 – 400	6	Water Level Only
Red Rock Estates Domestic Wells (3 to 5 wells)	Domestic Wells	140 – 970	6	Water Level Only

See Figure D-3 for well locations.

GROUNDWATER QUALITY

Groundwater quality samples will be collected from the two production wells and selected monitoring wells and analyzed by a laboratory for major ions, trace elements, and/or isotopes. The wells to be sampled for laboratory analysis include the production wells (BFM-1 and BFM-2) and the following two monitoring wells: BFM-3 and BFM-6 (**Figure D-3**).

The following parameters will be measured in each water sample:

- Field Parameters: Water temperature, pH, and specific conductance.
- Common Ions: Calcium, sodium, potassium, magnesium, chloride, fluoride, sulfate, bicarbonate, nitrate, total dissolved solids, and total suspended solids.
- Trace Elements: Arsenic, barium, copper, iron, lead, manganese, and zinc.
- Isotopes: Oxygen-18 and deuterium.

More extensive water quality analysis will be performed for samples from the production wells to meet Safe Drinking Water requirements. Samples will be collected and analyzed from the selected wells on a quarterly basis for the first two years of production well pumping to establish seasonal variations. Thereafter, the wells will be sampled and analyzed semiannually. An exception is that the isotopes will be analyzed only once per year for the first two years.

Frequency, sampling location, and water quality parameters will be reviewed by the WAC on an annual basis, and may be reduced or expanded in scope upon its recommendation.

SPRINGS AND RIPARIAN AREAS

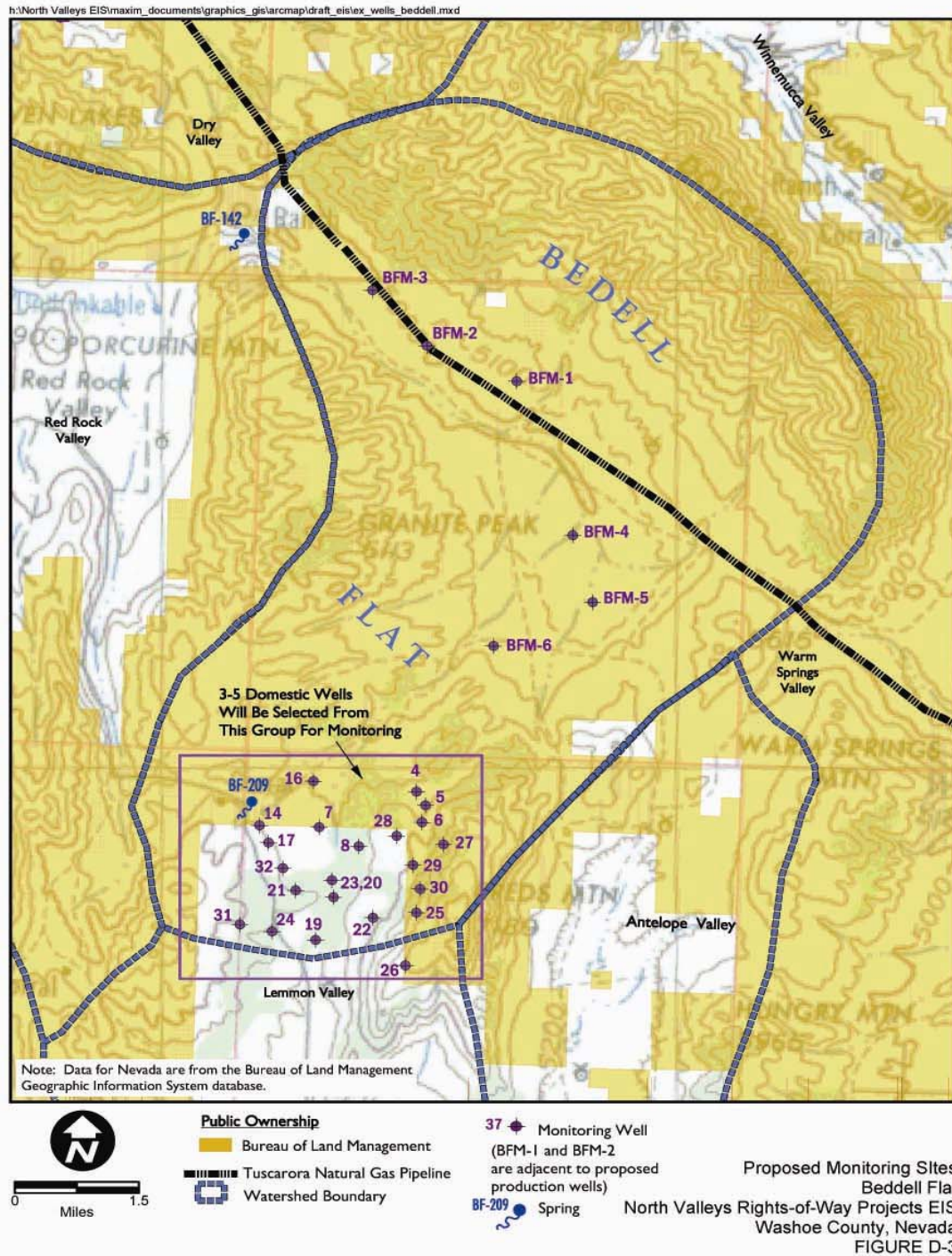
Selected springs and associated riparian areas will be monitored in Bedell Flat to determine if pumping from the production wells would have an adverse effect on flow and/or vegetative conditions. The springs selected for monitoring are: BF-142 (Campbell Ranch Spring); and BF-209 (Bird Spring) (**Figure D-3**). Monitoring activities will be conducted on a quarterly basis, with information periodically entered into the project database. Monitoring activities will include the following:

- Flow: Flow rate of water discharging from the spring will be measured using a flow meter or portable flume. Alternatively, a staff gage can be installed to measure relative changes in water level if the flow is in a well-defined channel. For low flows or dispersed flows on the ground surface, flows can be estimated.
- Photo-Documentation of Vegetation: One or more photographs will be taken of the spring site from the same location each time so that relative changes in vegetation and overall site conditions can be evaluated.

PRECIPITATION

A precipitation gage will be installed in Bedell Flat to measure precipitation amount on a daily basis. This information will be recorded weekly by the well field operator, and periodically entered into the project database.

FIGURE D-3: Proposed Monitoring Wells and Springs in Bedell Flat



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

- | | |
|---|--|
| 1. NOTICE OF APPEAL | A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413). |
| 2. WHERE TO FILE NOTICE OF APPEAL

WITH COPY TO SOLICITOR..... | U.S. Department of the Interior, Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701

U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890 |
| 3. STATEMENT OF REASONS

WITH COPY TO SOLICITOR..... | Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413).

U.S. Department of the Interior, Office of the Solicitor, Pacific Southwest Region, 2800 Cottage Way, Room E-2753, Sacramento, CA 95825-1890 |
| 4. ADVERSE PARTIES | Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associate Solicitor, Division of Land and Water Resources, Office of the Solicitor, United States Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associate Solicitor, Division of Mineral Resources, Office of the Solicitor, United States Department of the Interior, Washington, D.C. 20240. |
| 5. PROOF OF SERVICE | Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)). |
| 6. REQUEST FOR STAY | Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay. |

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

(Continued on page 2)

43 CFR SUBPART 1821—GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2005)